**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4880 OF 1990.**

Sou. Suman @ Usha Dattatraya Mudaliyar,]
Aged 60 years, occu: Nil, residing at ]
390, Shivajinagar, Pune. ] .. Petitioner

Vs

Dinkarrao Anandrao Bobade, age adult, ]
Service, 390, Shivjinagar, Pune. ] .. Respondent

Mrs. Anita A. Agarwal for the appellant.

Mr. A.V. Anturkar for the respondent.

**CORAM: ANOOP V. MOHTA, J.**

**DATED: 6TH JULY, 2005**

**ORAL JUDGMENT. :**

1. Petitioner-landlord has invoked Article 227 of the Constitution of India and prayed to interfere with the concurrent finding of fact recorded by the Courts below, whereby, suit for possession on the ground of bonafide need and arrears of rent was dismissed by the Trial Court and confirmed by the Appellate Court.

2. Heard the learned counsel appearing for the parties. After going through the reasoning given by the

Courts below and considering the concurrent findings arrived at, based on the evidence on the record, I see there is no case made out to interfere with the concurrent findings arrived at by the Courts below.

3. Both the Courts have held that the landlord failed to prove the reasonable and bonafide need of the premises. The landlord further failed to prove that the tenant was not ready and willing to pay the rent or to increase the rent. The petitioner-landlord further failed to prove that the tenant was guilty of nuisance. Therefore, in absence of any contrary material pointed out and/or borne out from the record, it cannot be said that there is any perversity or illegality. The view taken by the Courts below is within the framework of law, as well as, the facts on the record.

4. For the above reasoning, the present Writ Petition is dismissed. Rule is discharged. No order as to costs.

**[ANOOP V. MOHTA, J.]**

[srpasha@hc]